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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,817	12/22/2000	Hiroshi Uchikoga	5664-00100	3570

7590 01/17/2008
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EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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01/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/748,817	UCHIKOGA, HIROSHI	
	Examiner	Art Unit	
	Joseph G. Ustaris	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7-11 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7-11 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated November 5, 2007 in application 09/748,817.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 11, 16, 21, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A).

Regarding claim 1, Ochiai et al. (Ochiai) discloses a "multimedia information playback apparatus" (See Fig. 2). The received broadcast data dynamic editing system comprises "first input means" for receiving multimedia information including video data and audio data distributed from a HDD or "first distribution source", wherein the HDD is a storage device for storing multimedia information, and the HDD is on the "user side" (See Fig. 2, system 100 and HDD 11; column 1 line 59 – column 2 line 7 and column 8 lines 42-61). The system also has a modem for receiving script data or "second input means for receiving control information comprising one or more instructions for reading multimedia information on the storage device" distributed from a second distribution source, wherein the second distribution source is a "network server" for distributing the

control information (See Fig. 2, modem 1; column 5 lines 56-63 and column 7 line 66 – column 8 line 5). The received broadcast data dynamic editing system also serves the function as the “playback means” for playing back the multimedia information received by the first input means on the basis of at least one of the instructions of the control information received by the second input means, and wherein the playback means plays back the multimedia information which is distributed from the storage device and received by the first input means, on the basis of at least one of the instructions of the control information which is distributed from the network server and received by the second input means (See Figs. 2 and 5; column 5 lines 6-63 and column 9 lines 5-36). Furthermore, the received broadcast data dynamic editing system has a “first playback mode”, where the received broadcast data dynamic editing system plays back the multimedia information from the HDD or “storage device” on the basis of the broadcasting order or “control information” that is also broadcasted with the program and received by the “second input means” in order to be successfully delivered to the CPU (See Fig. 2; column 10 line 31-65). The received broadcast data dynamic editing system also has a “second playback mode”, where the received broadcast data dynamic editing system plays back the multimedia information from the HDD on the basis of the script data or “control information” which is distributed from the network server and received by the second input means (See Fig. 2; column 10 line 31-65). The system further comprises a switching means (remote control) for switching a playback mode to either one of the “first and second playback modes” (See column 7 line 66 – column 8 line 5).

In addition, the playback means comprises: a first navigator unit (CPU 5) comprising a first program (script) for reading out the control information (broadcasting order) in the storage device by said second input means in the first playback mode, analyzing the readout control information, and controlling read of the multimedia information in the storage device in accordance with an analysis result (See above discussion and Fig. 2; column 10 line 31-65); wherein the first program (script) is stored in the multimedia information playback apparatus (See col. 5 lines 56-63).

Furthermore, the CPU also executes a second program (another script) for controlling read of the multimedia information in the storage device on the basis of the control information (script data) distributed from the network server in the second playback mode (See above discussion and Fig. 2; column 10 lines 31-65), wherein the second program is obtained from the network server (the scripts are also obtained from the server) (See col. 5 lines 56-63).

However, Ochiai does not disclose a second navigator unit.

Sposato discloses a similar multimedia playback apparatus (See Fig. 2). Sposato discloses that functions of the CPU are divided to another microprocessor or "second navigator unit" (See col. 9 lines 45-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the CPU disclosed by Ochiai to execute the second program using another microprocessor, as taught by Sposato, in order to free up the CPU to perform other functions thereby increasing the efficiency of the system (See col. 9 lines 45-64).

Claim 11 contains the limitations of claim 1 (wherein the system performs the method) and is analyzed as previously discussed with respect to that claim.

Claim 16 contains the limitations of claims 1 and 11 and is analyzed as previously discussed with respect to those claims.

Claim 21 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim.

Claim 22 contains the limitations of claim 11 and is analyzed as previously discussed with respect to that claim.

Regarding claim 23, Ochiai discloses that the received broadcast data dynamic editing system can receive its multimedia information from DVD-RAM (See column 6 lines 23-30). However, Ochiai in view of Sposato does not disclose that the first distribution source is a DVD-ROM.

Official Notice is taken that it will be known to provide multimedia information on a DVD-ROM. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the received broadcast data dynamic editing system disclosed by Ochiai in view of Sposato to be able to receive its multimedia information from DVD-ROMs in order to increase the compatibility of the system thereby enabling the system to accept a medium that is widely well known and established.

Claim 24 contains the limitations of claims 11 and 23 and is analyzed as previously discussed with respect to those claims.

Claim 25 contains the limitations of claims 22 and 23 and is analyzed as previously discussed with respect to those claims.

4. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A) as applied to claims 1 and 11 above, and further in view of Kamo (US 20020057694A1).

Regarding claim 5, as discussed in claim 1 the user is able to switch playback modes based on whether the user wishes to view the multimedia information in broadcasting order or another order defined by the script data. However, Ochiai in view of Sposato does not disclose authenticating the "network server".

Kamo discloses a source information controlling system for a server and a client. Kamo discloses a session control unit that is used to authenticate the server and client in order to establish a connection (See Fig. 3; paragraph 0098). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the received broadcast data dynamic editing system and "network server" disclosed by Ochiai in view of Sposato to include a session control unit to authenticate the network server, as taught by Kamo, in order to ensure that the received broadcast data dynamic editing system connects with known and trusted servers.

Claim 15 contains the limitations of claims 5 and 14 and is analyzed as previously discussed with respect to those claims.

5. Claims 7, 9, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A) as applied to claims 1 and 11 above, and further in view of Dan et al. (US005561637A).

Regarding claim 7, the system generates script data or "control information" that is used to allow play back of the "multimedia information" on the received broadcast data dynamic editing system in various orders as discussed in claim 1 above. However, Ochiai in view of Sposato does not disclose generating "group management information for managing a plurality of users having similar personal information as one group".

Dan et al. (Dan) discloses that the server is able to multicast to a group of clients. The server selects a client to be a leader for a group of clients watching the same video or "generates group management information for managing a plurality of users having similar personal information as one group" and proceed to transfer the same data to all the clients within the group (See column 2 line 61 – column 3 line 6). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the "network server" disclosed by Ochiai in view of Sposato to be able to group the received broadcast data dynamic editing systems and generate "group management information for managing a plurality of users having similar personal information as one group", as taught by Dan, in order to increase the efficiency of the "network server".

Regarding claim 9, Ochiai in view of Sposato and Dan disclose that a video server utilizes and reserves channels or "plurality of channels" to transmit "multimedia information", wherein the terminal apparatus/cable box "plays back multimedia information of a channel" that has been reserved or "corresponding to the control information" (See Dan Fig. 1; column 2 lines 36-49).

Claim 17 contains the limitations of claims 7 and 11 and is analyzed as previously discussed with respect to those claims.

Claim 19 contains the limitations of claims 9 and 11 and is analyzed as previously discussed with respect to those claims.

6. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A) as applied to claims 1 and 11 above, and further in view of Brown et al. (US006732179B1).

Regarding claim 8, the received broadcast data dynamic editing system allows the user to select which script they wish to run or "change operation of the control information by a user" (See Fig. 2; column 10 lines 31-65). The received broadcast data dynamic editing system is able to play back the multimedia information on the basis of the selected script data or "control information" changed in accordance with user operation. However, Ochiai in view of Sposato does not disclose "determining whether to receive the change operation in accordance with personal information of the user".

Brown et al. (Brown) discloses a method and system for restricting access to user resources within a client, i.e. set top box (STB). Brown discloses that a user of a client logs in by entering a user's identity and a personal identification number (PIN) or "personal information of the user" in order to grant access to certain resources for the user or "determining whether to receive the change operation" (See column 7 lines 22-40). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the received broadcast data dynamic editing

system disclosed by Ochiai in view of Sposato to include a means to determine whether to allow users to enter change operations, using the "personal information of the user", as taught by Brown, in order to increase the security of the system thereby only allowing authorized users to change various settings.

Claim 18 contains the limitations of claims 8 and 11 and is analyzed as previously discussed with respect to those claims.

7. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (US006757482B1) in view of Sposato (US005781228A) as applied to claims 1 and 11 above, and further in view of Mages et al. (US006035329A).

Regarding claim 10, Ochiai in view of Sposato does not disclose that the "control information" contains a program for checking user operation contents and executing the program when user operation is detected and plays back multimedia information corresponding to the user operation contents.

Mages et al. (Mages) discloses distributing full-length movies or "multimedia information" that includes parental rating controls. The full-length movies include "control information" that contains a program for checking parental rating controls or "user operation contents", and when user operation is detected during playback of the multimedia information, the DVD player runs the parental rating controls, and plays back the multimedia information corresponding to the parental rating controls or "user operation contents" (See column 1 line 61 – column 2 line 13). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to

modify the program broadcast data disclosed by Ochiai in view of Sposato to include a parental rating controls program that "checks user operation contents and executing the program when user operation is detected and plays back multimedia information corresponding to the user operation contents", as taught by Mages, in order the enhance the capabilities of the system by providing parental controls to users thereby making the system more versatile to a wide range of users ranging from kids to adults.

Claim 20 contains the limitations of claims 10 and 11 and is analyzed as previously discussed with respect to those claims.

Response to Arguments

8. Applicant's arguments filed November 5, 2007 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1, 11, 21, and 22 that Ochiai and Sposato does not disclose two distinct navigator units, the first running an internally loaded program and the other running an externally obtained program. However, reading the claims in the broadest sense, Ochiai in view of Sposato does meet that limitation in the claims. Ochiai discloses a first navigator unit (CPU 5) that runs a first program (first script) that reads out the control information (the script data/code/instructions within the script that defines the original broadcasting order) in order to playback the multimedia information in the original broadcasting order as previously discussed in the rejection above (See Fig. 2; col. 10 lines 31-65). The first program is an internally loaded program (See col. 5 lines 56-63, the script/program is

loaded from memory). Furthermore, Ochiai discloses that the CPU executes a second program (another script) that reads out the control information (the script data/code/instructions within the script that defines a different playback order) in order to playback the multimedia information in another order as previously discussed in the rejection above (See Fig. 2; col. 10 lines 31-65). The second program/script is externally obtained from a server (See col. 5 lines 56-63). Sposato discloses that the functions of the CPU are divided to another microprocessor. Therefore, Ochiai in view of Sposato discloses two distinct navigator units (e.g. the CPU and microprocessor).

Applicant also argues with respect to claims 1, 11, 21, and 22 that Ochiai does not disclose obtaining the second program from the network server, wherein the program used by the CPU is to read the scripts. However, reading the claims in the broadest sense, Ochiai does meet the limitations. The applicant has defined the scripts as the control information. The examiner respectfully disagrees. As defined in the rejection above, the scripts are the programs. The scripts are executed by the CPU to read out the control information (e.g. script data/code/instructions). For example, Ochiai discloses scripts/programs in Figs. 3 and 4. The actual script data/code/instruction (e.g. "2:1,1999/10/23/09:03:02.5 1999/10/23/09:04:30.0" or "2:1,86505 #11") within the script/program is considered the control information. Therefore, the second program/script is from a network server as disclosed by Ochiai (See col. 5 lines 56-63).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



January 11, 2008



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